

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 434

Introduced by Assembly Member Eduardo Garcia

February 19, 2015

An act to amend Sections 116380 and 116552 of the Health and Safety Code, relating to drinking water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 434, as amended, Eduardo Garcia. Drinking water: point-of-entry and point-of-use treatment.

Existing law, the California Safe Drinking Water Act, imposes on the State Water Resources Control Board various responsibilities and duties relating to providing a dependable, safe supply of drinking water. The act prohibits the state board from issuing a permit to a public water system or amending a valid existing permit to allow the use of point-of-use treatment unless the state board determines that there is no community opposition to the installation of the treatment device.

This bill would require the state board to adopt regulations, similar to those previously authorized for adoption by the State Department of Public Health, governing the use of point-of-entry and point-of-use treatment by a public water system in lieu of centralized treatment where it can be demonstrated that centralized treatment is not immediately

economically feasible, with specified limitations. The bill would ~~exempt the regulations from the Administrative Procedure Act and would require that the regulations and any amendments to the regulations remain in effect until revised by the state board; also require the state board to adopt emergency regulations governing the permitted use of point-of-use and point-of-entry treatment by public water systems in lieu of centralized treatment, as specified, and would require that these emergency regulations remain in effect until the earlier of January 1, 2018, or the effective date of the required nonemergency regulations.~~ This bill would also prohibit the use of point-of-entry treatment absent a state board determination of no community opposition.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 116380 of the Health and Safety Code~~
2 ~~is amended to read:~~
3 ~~116380. (a) The State Water Resources Control Board shall~~
4 ~~adopt regulations governing the use of point-of-entry and~~
5 ~~point-of-use treatment by public water systems in lieu of~~
6 ~~centralized treatment where it can be demonstrated that centralized~~
7 ~~treatment is not immediately economically feasible, limited to the~~
8 ~~following:~~
9 ~~(1) Water systems with less than 200 service connections;~~
10 ~~(2) Usage not prohibited by the federal Safe Drinking Water~~
11 ~~Act and its implementing regulations and guidance;~~
12 ~~(3) Water systems that have submitted applications for funding~~
13 ~~to correct the violation for which the point-of-entry and~~
14 ~~point-of-use treatment is provided.~~
15 ~~(b) (1) The regulations described in subdivision (a) shall comply~~
16 ~~with Section 116552 and shall not be subject to the rulemaking~~
17 ~~provisions of the Administrative Procedure Act (Chapter 3.5~~
18 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
19 ~~2 of the Government Code). The regulations shall take effect when~~
20 ~~filed with the Secretary of State, and shall be published in the~~
21 ~~California Code of Regulations.~~

1 ~~(2) Any regulations or amendments to those regulations adopted~~
2 ~~pursuant to this section shall remain in effect until revised by the~~
3 ~~State Water Resources Control Board.~~

4 SECTION 1. *Section 116380 of the Health and Safety Code is*
5 *amended to read:*

6 116380. (a) ~~In addition to the requirements set forth in Section~~
7 ~~116375, the regulations adopted by the department pursuant to~~
8 ~~Section 116375 shall include requirements~~ *The State Water*
9 *Resources Control Board shall adopt regulations* governing the
10 use of point-of-entry and point-of-use treatment by public water
11 systems in lieu of centralized treatment where it can be
12 demonstrated that centralized treatment is not immediately
13 economically feasible, limited to the following:

14 (1) Water systems with less than 200 service connections.

15 (2) ~~Usage allowed under~~ *not prohibited* by the federal Safe
16 Drinking Water Act and its implementing regulations and guidance.

17 (3) Water systems that have submitted ~~preapplications with the~~
18 ~~State Department of Public Health~~ *applications* for funding to
19 correct the violations for which the point-of-entry and point-of-use
20 treatment is provided.

21 (b) ~~The department~~ *State Water Resources Control Board* shall
22 adopt emergency regulations governing the permitted use of
23 point-of-entry and point-of-use treatment by public water systems
24 in lieu of centralized treatment.

25 (1) The emergency regulations shall comply with Section
26 116552, and shall comply with all of the requirements set forth in
27 subdivision (a) applicable to nonemergency regulations, but shall
28 not be subject to the rulemaking provisions of the Administrative
29 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
30 Part 1 of Division 3 of Title 2 of the Government Code). The
31 emergency regulations shall take effect when filed with the
32 Secretary of State, and shall be published in the California Code
33 of Regulations.

34 (2) The emergency regulations adopted pursuant to this
35 subdivision shall remain in effect until the earlier of January 1,
36 ~~2014~~, 2018, or the effective date of regulations adopted pursuant
37 to subdivision (a).

38 SEC. 2. Section 116552 of the Health and Safety Code is
39 amended to read:

1 116552. The State Water Resources Control Board shall not
2 issue a permit to a public water system or amend a valid existing
3 permit to allow the use of point-of-use or point-of-entry treatment
4 unless the State Water Resources Control Board determines, after
5 conducting a public hearing in the community served by the public
6 water system, that there is no substantial community opposition
7 to the installation of the treatment devices. The issuance of a permit
8 pursuant to this section shall be limited to not more than three
9 years or until funding for centralized treatment is available,
10 whichever occurs first.

11 SEC. 3. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to ensure the quality of drinking water relating to
16 point-of-entry and point-of-use treatment, at the earliest possible
17 time, it is necessary that this act take effect immediately.